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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,890	04/17/2001	George Prince	607797-017	5177

  

46188	7590	05/10/2010
Nixon Peabody LLP P.O. Box 60610 Palo Alto, CA 94306		

  

EXAMINER	
NANO, SARGON N	

  

ART UNIT	PAPER NUMBER
2457	

  

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05/10/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Palo Alto CA 94306

In re Application of: George PRINCE  
Application No. 09/836,890  
Filed: April 17, 2001  
For: SYSTEM AND METHOD FOR  
PROVIDING DIGITAL MESSAGING  
SERVICES

**DECISION SUA SPONTE  
WITHDRAWING HOLDING  
OF ABANDONMENT**

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

This application is held abandoned for failure to timely file a reply to the Board of Patent Appeals and Interferences Decision mailed February 19, 2010. The Notice of Abandonment was mailed on April 27, 2010.

A review of the file record indicates that the examiner was sustained in part, the Decision affirmed the rejection(s) against independent claim **1 and dependent claims 3-4, 5-7 and 22**, but reversed all rejections against claim **21** dependent thereon. There are no allowed claims in the application and the time for seeking court review has passed without such review being sought. The examiner, however, did not (1) Convert the dependent claims into independent forms or (2) Set a 1-month time limit in which the appellant may rewrite the dependent claim in independent format. On April 27, 2010, a Notice of Abandonment was mailed for failure to timely file a proper response to the Decision of February 19, 2010. Thus, the Notice of Abandonment was **premature**.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the **holding of Abandonment is hereby withdrawn**.

The application is being forwarded to the examiner for proper treatment of the application following the Decision of February 19, 2010.

/Kim Huynh/

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